



04-09-02

0590

Attorney Docket No. VOS-22

MP/14

4/24

Applicant(s) : Christian Plank et al.  
Title : COMBINATIONS FOR INTRODUCING  
NUCLEIC ACIDS INTO CELLS  
Filed Date : December 17, 2001 *Swamp 1645*  
Application No. : 10/023,317 Confirmation No. : 2272

Express Mail mailing label number EF230792581US

Date of Deposit April 4, 2002

I hereby certify that this paper/fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Hon. Commissioner for Patents, Arlington, Virginia 22202, Box Missing Parts.

P.O. Box 2327

*[Signature]*  
CLAUDE S. SAINTIL

Encl:

- (1) Transmittal Letter (in dupl.);
- (2) Supplemental Preliminary Amendment and Response to Notice to File Missing Parts of Nonprovisional Application (in dupl.);
- (3) Executed Declaration and Power of Attorney;
- (4) Substitute Specification (75 pages);
- (5) Paper copy of Sequence Listing (1 page);
- (6) CRF copy of the Sequence Listing;
- (7) Statement in Support of Sequence Listing;
- (8) Copy of Notice to File Missing Parts;
- (9) Check for \$65.00; and
- (10) Postcard



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/023,317	12/17/2001	Christian Plank	VOS-22

CONFIRMATION NO. 2272

## FORMALITIES LETTER



\*OC00000007422349\*

1473  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
50TH FLOOR  
NEW YORK, NY 10020-1105

Date Mailed: 02/05/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant

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desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*




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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



VOS-22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Not yet assigned  
Group : 1645  
Applicants : Christian Plank et al.  
Application No. : 10/023,317 Confirmation No. : 2272  
Filed : December 17, 2001  
For : COMBINATIONS FOR INTRODUCING NUCLEIC  
ACIDS INTO CELLS

New York, New York  
April 4, 2002

Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☒ a Supplemental Preliminary Amendment and Response to Notice to File Missing Parts of Nonprovisional Application (in dupl.); ☒ an Executed Declaration and Power of Attorney; ☒ a Substitute Specification (75 pages); ☒ a paper copy of the Sequence Listing (1 page); ☒ a CRF copy of the Sequence Listing; ☒ Statement in Support of Sequence Listing; ☒ a copy of the Notice to File Missing Parts; ☒ a Check for \$65.00; to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

	Claims Remaining After Amendment	Highest Number Previously paid for	Present Extra	Rate Fees
TOTAL CLAIMS	38	-	38 * = 0	X \$ 9 = \$0.00
INDEPENDENT CLAIMS	1	-	3 ** = 0	X \$ 42 = \$0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$140 = \$0.00
* If less than 20, insert 20.			TOTAL	<u>\$0.00</u>
** If less than 3, insert 3.				

- ☐ A check in the amount of \$\_\_\_\_ in payment of the filing fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge \$\_\_\_\_ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

#### EXTENSION FEE

- ☐ The following extension is applicable to the Response filed herewith; ☐ \$55.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$200.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ 460.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$720.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$980.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).

☐ A check in the amount of ☐ \$55.00; ☐ \$200.00; ☐ \$460.00; ☐ \$720.00; ☐ \$980.00 in payment of the extension fee is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

☐ Please charge the ☐ \$55.00; ☐ \$200.00; ☐ \$460.00; ☐ \$720.00; ☐ \$980.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.



James F. Haley, Jr. (Reg. No. 27,794)

Elinor K. Shin (Reg. No. 43,117)

Attorneys for Applicants

Grant Kalinowski (Reg. No. 48,314)

Agent for Applicants

c/o FISH & NEAVE

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New York, New York 10020

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#7  
VOS-22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Examiner

: Not yet assigned

Group

: 1645

Applicants

: Christian Plank et al.

Application No.

: 10/023,317

Filed

: December 17, 2001

For

: COMBINATIONS FOR INTRODUCING NUCLEIC  
ACIDS INTO CELLS

RECEIVED

APR 05 2002

TECH CENTER 1600/2900

Confirmation No. : 2272

New York, New York  
March 28, 2002

Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☒ a Supplemental Preliminary  
Amendment; ☒ copies of pages 5, 25, 32, 33 and 74 of PCT/EP00/05778; to  
be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☐ A fee for additional claims is not required.

☒ A fee for additional claims is required.

The additional fee has been calculated as shown below:

	Claims Remaining After Amendment	Highest Number Previously paid for	Present Extra	Rate Fees
TOTAL CLAIMS	38	-	37 * = 1	X \$ 9 = \$9.00
INDEPENDENT CLAIMS	1	-	3 ** = 0	X \$ 42 = \$0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$140 = \$0.00
				<b>TOTAL <u>\$9.00</u></b>

\* If less than 20, insert 20.

\*\* If less than 3, insert 3.

☒ A check in the amount of \$9.00 in payment of the filing fee is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

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- ☐ A check in the amount of ☐ \$55.00; ☐ \$200.00; ☐ \$460.00; ☐ \$720.00; ☐ \$980.00 in payment of the extension fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge the ☐ \$55.00; ☐ \$200.00; ☐ \$460.00; ☐ \$720.00; ☐ \$980.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

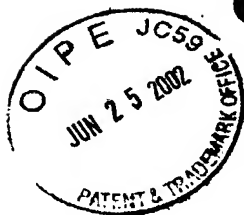


James F. Haley, Jr. (Reg. No. 27,794)  
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Attorneys for Applicants  
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I hereby certify that this  
correspondence is being  
deposited with the U.S.  
Postal Service as First  
Class Mail in an envelope  
addressed to:  
Commissioner for Patents, P.O. Box 2327  
ARLINGTON, VA 22202 on

3/28/2002  
William Bailey  
Name of person signing

William Bailey  
Signature of person signing



#10  
VOS-22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Not yet assigned  
Group Art Unit : 1645  
Applicants : Christian Plank et al.  
Application No. : 10/023,317 Confirmation No. : 2272  
Filed : December 17, 2001  
For : COMBINATIONS FOR INTRODUCING NUCLEIC  
ACIDS INTO CELLS

New York, New York  
June 25, 2002

Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202  
Attn: BOX SEQUENCE

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES

Sir:

This is in response to the May 14, 2002 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (hereafter "Notice"), a copy of which is enclosed. A response is due on or before July 14, 2002. Thus, this response is timely filed.

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Please amend the application as follows:

IN THE SPECIFICATION

Please delete the Sequence Listing filed with applicants' April 4, 2002 Response to Notice to File Missing Parts and insert the substitute Sequence Listing (page 1) enclosed herewith.

Please replace the paragraph spanning pages 27 and 28 with the following paragraph:\*

- ii) Peptide INF7 (sequence GLFEAIEGFIENGWEGMIDGWYGC; SEQ ID NO: 1) was synthesized according to the same procedure on 500 mg chlorotriyl resin (0.5 mmol/g), cleaved from the resin as described for YE5C and precipitated with diethyl ether. The raw product was dried in vacuo. Aliquots of 20 mg each were dissolved in 500  $\mu$ l 1 M triethylammonium hydrogencarbonate buffer pH 8 and purified by gel filtration (Sephadex G-10 from Pharmacia filled into a HR 10/30 column from Pharmacia. Flow rate 1 ml/min. Eluent: 20 mM HEPES pH 7.3 / 150 mM NaCl or 100 mM TEAB or 100 mM ammonium hydrogencarbonate). Extinction coefficients: 278 nm 12600; 279 nm 12665; 280 nm 12660  $M^{-1}cm^{-1}$ .

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\* Applicants enclose herewith a copy of the paragraph marked up pursuant to 37 C.F.R. § 1.121(b)(iii) to show the changes relative to the version of the paragraph as filed.

## REMARKS

The Notice states that the nucleotide and/or amino acid sequence disclosure in this application does not comply with the requirements under 37 C.F.R. § 1.822 and/or 1.823 because the response in the Organism (<213>) field is invalid.

Applicants have amended the specification to insert a substitute paper copy of the Sequence Listing. Applicants have amended the Sequence Listing by (1) changing the Organism (<213>) field to "Artificial Sequence" and (2) adding Feature (<220>) and Other Information (<223>) fields indicating that the artificial amino acid sequence of SEQ ID NO: 1 is used in compositions for introducing nucleic acids into cells. Applicants have amended specification page 27 to insert reference to SEQ ID NO: 1. None of these amendments includes new matter.

Applicants also hereby submit a computer-readable form copy of the Sequence Listing in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824 and the required statements under 37 C.F.R. §§ 1.821(f) and 1.821(g).

The Director is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this response is enclosed.

Respectfully submitted,



James F. Haley (Reg. No. 27,794)  
Elinor K. Shin (Reg. No. 43,117)  
Attorneys for Applicants  
Grant Kalinowski (Reg. No. 48,314)  
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Tel.: (212) 596-9000  
Fax: (212) 596-9090

Copy of replacement paragraph marked up pursuant to  
37 C.F.R. § 1.121(b)(iii) to show changes made

- ii) Peptide INF7 (sequence GLFEAIEGFIENGWEGMIDGWYGC;  
SEQ ID NO: 1) was synthesized according to the same  
procedure on 500 mg chlorotriyl resin (0.5 mmol/g), cleaved  
from the resin as described for YE5C and precipitated with  
diethyl ether. The raw product was dried in vacuo. Aliquots of 20  
mg each were dissolved in 500  $\mu$ l 1 M triethylammonium  
hydrogencarbonate buffer pH 8 and purified by gel filtration  
(Sephadex G-10 from Pharmacia filled into a HR 10/30 column  
from Pharmacia. Flow rate 1 ml/min. Eluent: 20 mM HEPES pH  
7.3 / 150 mM NaCl or 100 mM TEAB or 100 mM ammonium  
hydrogencarbonate). Extinction coefficients: 278 nm 12600; 279  
nm 12665; 280 nm 12660  $M^{-1}cm^{-1}$ .